

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOSEPHINE LINKER HART, JUDGE

DIVISION I

CACR06-720

March 7, 2007

DEANNA WRIGHT

APPELLANT

APPEAL FROM THE SCOTT COUNTY
CIRCUIT COURT
[NO. CR2004-52]

V.

HONORABLE PAUL EDWARD
DANIELSON, CIRCUIT JUDGE

STATE OF ARKANSAS

APPELLEE

AFFIRMED

Appellant, Deanna Wright, appeals from the circuit court's revocation of her probation for theft of property. Appellant first argues that the evidence was insufficient to revoke her probation because the State failed to present evidence that she was given notice of the terms and conditions of her probation, as required by Ark. Code Ann. § 5-4-303(g) (Repl. 2006), and thus the circuit court imposed an illegal sentence. Second, she contends that the case must be reversed because the court did not provide her with a written statement of the reasons for revoking her probation, as required by Ark. Code Ann. § 5-4-310(b)(5) (Repl. 2006). We conclude that these matters were waived by appellant's failure to raise them at trial, and consequently, we affirm.

Appellant's first argument is foreclosed by *Nelson v. State*, 84 Ark. App. 373, 141 S.W.3d 900 (2004). There, the defendant argued on appeal that the evidence was insufficient to support revocation of his probation because the State failed to produce proof that a written list of probationary conditions was given to him. We held that "[t]his is not an issue of jurisdiction that can be raised at any time; it is instead a procedural issue that is waived by appellant's failure to raise it to the trial court." *Nelson*, 84 Ark. App. at 380, 141 S.W.3d at 905. Here, appellant failed to raise this matter before the circuit court, and accordingly, the matter was waived. While appellant argues that this lack of proof left the circuit court without jurisdiction to revoke probation and that the matter thus may be raised for the first time on appeal, we specifically held to the contrary in *Cavin v. State*, 11 Ark. App. 294, 669 S.W.2d 508 (1984).

Her second point is addressed by *Sisk v. State*, 81 Ark. App. 276, 101 S.W.3d 248 (2003). There, the defendant argued on appeal that the circuit court should have provided him with a written statement of the evidence relied on and the reasons for revoking his probation. We held that because the defendant did not object to that failure below, he waived his right to a written statement. That conclusion applies with equal force here.

Affirmed.

PITTMAN, C.J., and BIRD, J., agree.